

Appl. No. 10/721,660

Amdt. dated September 18, 2007

Request for continued examination after final office action of April 20, 2007

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REMARKS

This amendment accompanies the filing of a REQUEST FOR CONTINUED EXAMINATION following the final office action mailed on April 20, 2007. The Office Action rejected Applicants' Claims 47-65 as being anticipated by U.S. Pat. No. 6,278,939 ("Robare").

Applicants respectfully request the Examiner to reconsider the present application in view of the following remarks. Applicants submit that all pending claims are in condition for allowance.

Rejection under 35 U.S.C. 102(e)

On March 30, 2007, Applicants filed a Declaration under 37 C.F.R. 1.132 showing that one of the present Applicants, Philip Robare, was a co-inventor on the Robare patent and to the extent the disclosure in the Robare patent is a disclosure of, or is material to the examination of, the invention claimed in the present application, such disclosure in the Robare patent were originated with or were obtained from Philip Robare. The Office Action of April 20, 2007 indicated that the declaration was insufficient for reasons that will be addressed below. Applicants contend that the Declaration is sufficient pursuant to MPEP 2136.05.

The Office Action indicated that the Declaration was insufficient because all inventors have to sign the Declaration (only Philip Robare signed the Declaration). Applicants contend that it would be inappropriate for the Applicants Senthil Natesan and Aaron Crane to sign the Declaration because they were not inventors on the Robare patent. Additionally, the Office Action indicated that the Declaration was insufficient because inventors should disclose what portions of the claimed invention his/her contribution towards the invention. Applicants contend that this is not necessary for the Declaration showing that the Robare patent was describing Philip Robare's own work. Furthermore, the Office Action indicated that the Declaration was insufficient because there is no showing that others of ordinary skill in the art were working on the problem and there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. Applicants respectfully point out that the Declaration is not providing objective evidence of nonobviousness, so these items are not necessary. Rather, the Declaration provides a showing that the Robare patent was describing Philip Robare's own work.

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Accordingly, the Robare patent is not available as prior art against the claims of the present application. Thus, Applicants request that the rejection of Claims 47-65 under 35 U.S.C. 102(e) as being anticipated by Robare be withdrawn.

In interest of furthering the prosecution of the present invention, the Applicants will also point out a feature of the present claimed invention that is not disclosed in the Robare<sup>1</sup> patent. Independent claim 1 recites calculating a route, identifying the geographic sub-areas that are crossed by the calculated route, and providing to a local memory from the repository the parcels that contain the data that represent the geographic features encompassed in the geographic sub-areas the route passes through. Additionally, independent claim 56 recites "a providing application that provides to a local memory from said repository a plurality of parcels corresponding to said geographic sub-areas said route passes through," and independent claim 64 also recites "providing to a local memory from said repository a plurality of parcels."

In the Robare patent, the navigation system provides data describing the calculated route which may include a list of road segments in the route, maneuvering instructions for following the route, and graphical maps illustrating the route. (*see* Robare: column 3, lines 56-61). The navigation system of the Robare patent uses data representing geographic features within parcels of the geographic database to obtain the list of road segments, generate the maneuvering instructions and geographical maps. The system in the Robare patent then provides this data generated using the parcels. (*see* Robare: figures 4-6). In contrast, the recited invention provides the entire parcels instead of providing data that was generated using the parcels.

Accordingly, Robare does not disclose the claim element of providing the parcels and Applicants request that the rejection be withdrawn.

#### Petition for Extension of Time

Included with this response is a request for an extension of time to reply to the office action dated April 20, 2007. Included with this response is an authorization for payment of the fee associated with this request.

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<sup>1</sup> The Robare patent is assigned to the assignee of the present application, NAVTEQ North America, LLC. To the extent permitted by law, any statements in the present Amendment regarding the disclosure of the Robare patent should not be used to restrict the scope of claims in the Robare patent.

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**Conclusion**

With the present response, all the issues in the Office Action mailed April 20, 2007 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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